



ARIZONA DEPARTMENT OF ECONOMIC SECURITY

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Governor

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Director

April 15, 2008

WIA GUIDANCE LETTER #05-07

This WIA Guidance Letter supersedes WIA Guidance Letter #03-06, dated October 17, 2006

SUBJECT: Clarification of Documentation Related to WIA Title IB Eligibility and Participation

REFERENCE: P.L. 105-220 dated August 7, 1998, §101(15)(A)(B)(C), §188(a)(5), §134(d)(4)(B), and 134(d)(4)(E) of the Workforce Investment Act (WIA) of 1998; 20 CFR Part 652, §663.220, 663.230, 663.320, and 664.250 of WIA Final Rules dated August 11, 2000; 29 CFR Part 27 dated November 12, 1999; *WIA Data Validation Application User's Guide* dated August 2004, and U.S. Department of Justice Form I-9, revision dated June 5, 2007; TEN #19-07, dated December 11, 2007.

BACKGROUND: Revised the WIA Eligibility & Verification Checklist to bring it in line with TEN #19-07 and update the Citizenship/Right to Work element due to the federal elimination of certain documents used on the I-9 employment verification form. A new document has also been created for applicants claiming self-attestation for permitted elements.

DEFINITIONS/DOCUMENTATION RELATED TO WIA TITLE IB ELIGIBILITY

FAMILY

Under WIA, the term "family" relates to two or more persons living in the same household who are related through blood, marriage, or court decree and are included in at least one of federal law groups A through C below. The **state** further defines family as described in group D below. Family, as defined in groups A through D, must be used in determining financial eligibility *where appropriate* for the three WIA funding streams (Adults, Youth, and Dislocated Workers).

- A) Husband, wife, and their dependent children
- B) A parent or guardian and his/her dependent children
- C) Husband and wife
- D) An economic unit of one or more persons who receive at least 50% of their financial support from the economic unit

Note: *If any family member included in definitions A-D is disabled, he/she is considered a family of one. Verification of disability must be documented.*

DISABILITY

Provision of this information by a participant is voluntary and may only be self-identified. The applicant must support any such claim with appropriate documentation.

CITIZENSHIP/RIGHT TO WORK

Participation in WIA Title IB programs or activities must be available to United States citizens, lawfully admitted permanent resident aliens, refugees, asylees, parolees, and other immigrants ***authorized to work in the U.S.*** There are numerous documents which Local Workforce Investment Agencies (LWIAs) and Administrative Entities (AEs) can accept as verification for citizenship and right to work in the United States. These documents are listed on Attachment B, WIA Eligibility & Verification Checklist (page 2).

SELF-ATTESTATION

Self-attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging this status. In these instances, the state does permit self-attestation as an alternative means of verifying a ***limited*** number of factors related to the applicant status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements, and (2) signing and dating a form attesting to this self-identification. Attachment A is the Self-Attestation form.

The WIA Eligibility and Verification Checklist (Attachment B) is used by Program Monitors when conducting data validation checks. Some of the elements states that the WIA application is sufficient for proof however, some require that if no documentation is provided, then the self-attestation form is used for validation. The State encourages the local areas to utilize the WIA Eligibility & Verification Checklist when determining eligibility for WIA services. The checklist will enable easy identification of documents used to meet eligibility requirements.

The following four youth elements are the **only** instances where the **WIA Application** is a sufficient source for documentation:

1. Homeless individual and/or runaway
2. Youth Offender
3. Youth who needs additional assistance
4. School status at participation

The following eight elements are instances where **self-attestation** is permitted when efforts have been exhausted and it has been determined that the documentation is unavailable and obtaining the documentation will cause undue hardship for the individual:

1. Displaced Homemaker
2. Homeless individual and/or runaway youth
3. Youth Offender
4. Pregnant or parenting youth
5. Youth who needs additional assistance
6. School status at participation
7. Date of Dislocation
8. Family Size

For the pregnant or parenting youth observation is also listed as a source documentation requirement for this element, in which the caseworker would have to document they have observed that the participant is pregnant or parenting.

SELF-SUFFICIENCY

The use of the term “self-sufficiency” *only applies in the context of establishing eligibility for employed adults and employed dislocated workers to receive intensive and training services under WIA, when local area funds are limited.* Self-sufficiency is **not** to be viewed as an outcome measure associated with successful program performance. The provision of intensive and training services to employed adults and employed dislocated workers is designed to help ensure that these services are provided to workers most in need of them. Under WIA, 100% of the Lower Living Standard Income Level (LLSIL) [annualized level based on family size, as well as metro and non-metro differences] represents a minimum measure of self-sufficiency that each LWIA must use to determine intensive and training service eligibility for employed adults and employed dislocated workers. Local boards may adjust the self-sufficiency level upward from 100% of the LLSIL based on local conditions. Local boards may also opt to define self-sufficiency for employed dislocated workers in relation to a percentage of the lay-off wage.

COORDINATION OF PELL GRANTS WITH OTHER EDUCATION-RELATED ASSISTANCE

It is important that Local Workforce Investment Areas (LWIAs) leverage available funds for training, including Pell Grants and WIA Individual Training Accounts (ITAs), to ensure that the costs of training and support services are fully paid for WIA participants, and to reduce the likelihood of duplicate payments for such services. To date, the U.S. Department of Labor has not issued additional guidance regarding the *order of payments* for training costs for individuals eligible for both WIA and other educational assistance. However, the WIA Final Rule does emphasize that local area programs should assist each participant in establishing Pell Grant eligibility before a participant enrolls in a particular school or training program. A WIA participant may be enrolled into training with WIA funds while a Pell Grant application is pending. However, the Local Workforce Investment Area (LWIA)/Nineteen Tribal Nations-Administrative Entities (AEs) must put a process in place so that the LWIA/AE can be reimbursed by a training institution for the "tuition" portion of the Pell Grant funds. Generally, Pell Grants provide both tuition and other types of assistance (e.g. living expenses, lab fees, books, etc.). **Only the portion of the Pell Grant that provides for tuition is subject to reimbursement.**

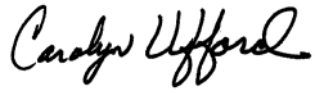
The Free Application for Federal Student Aid (FAFSA), which is used to establish Pell Grant eligibility, is readily available on-line at <http://www.fafsa.ed.gov>. When a WIA participant completes the FAFSA on-line, it can be electronically submitted immediately to the U.S. Department of Education (DOE) for processing. Generally, the DOE makes a determination of Pell eligibility and notifies an applicant within 30 days of FAFSA submittal.

ACTION REQUIRED:

- 1) **Effective April 15, 2008**, only the documents listed under “Verification” on the revised WIA Eligibility & Verification Checklist are acceptable verification of the data element.
- 2) Use Attachment A, WIA Eligibility Attestation document, for those items where self-attestation are permitted as verification for WIA eligibility.
- 3) Use Attachment B, WIA Eligibility & Verification Checklist, to determine documents which LWIAs/AEs can accept as verification for WIA eligibility.
- 4) **DISTRIBUTE** this memo and its attachments to all individuals responsible for WIA eligibility and case management, as well as others who use the Arizona VOS WIA Business Rules and Policies Manual.

If you have any questions or need additional information, please contact your Field Operations Liaison at (602) 542-3957.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn Ufford". The signature is fluid and cursive, with the first name "Carolyn" written in a larger, more prominent script than the last name "Ufford".

Carolyn Ufford
WIA Section Manager
Employment Administration

Attachment A: WIA Self-Attestation Form
Attachment B: WIA Eligibility & Verification Checklist